



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

Canada

Français

Contact Us

Help

Search

Canada Site

Home

What's New

About INAC

News Room

Site Map

Regional  
Offices

Electronic  
Services

Programs &  
Services

Publications &  
Research

Art, Culture &  
History

A - Z Index

News Releases

Indian & Inuit Art

Northern Affairs  
Program

Employment

Education

Kids' Stop

Treaties

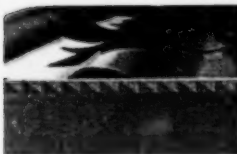
Status - F A Q

Programs

Services

PSAB

Sustainable  
Development



## News Release Communiqué

2-2847

### FULL NEGOTIATIONS ON MADE-IN-NOVA SCOTIA PROCESS LAUNCHED BY MINISTER PRENTICE, MI'KMAQ CHIEFS OF NOVA SCOTIA AND MINISTER BAKER

**MEMBERTOU FIRST NATION, NOVA SCOTIA (February 23, 2007)** The Honourable Jim Prentice Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Michael G. Baker, Q.C., Nova Scotia's Minister of Aboriginal Affairs and Mi'kmaq Grand Chief Ben Sylliboy today took part in a important signing ceremony.

Signed today was a Framework Agreement under the Made-in-Nova Scotia negotiation process. This process is designed to address the treaty and Aboriginal rights and title of the Mi'kmaq in Nova Scotia.

The parties will now begin negotiations under the directions and principles set out in the Framework Agreement.

"Canada's New Government is committed to moving negotiations forward," said Minister Prentice. "This agreement provides a solid foundation that empowers communities to take control of their own affairs and participate more fully in the Canadian economy."



"This historic signing of the Framework Agreement is a vital part of the Assembly of Nova Scotia Mi'kmaq Chiefs dream to bring our people to a better life - now, and for future generations," said Chief Terrence Paul, Assembly of Nova Scotia Mi'kmaq Chiefs co-chair.

"We will finally be able to achieve what our ancestors set out to do for our people - to protect a way of life that would allow us to provide for ourselves and our families. It is time to make things right. And this negotiation process will help us achieve that," said Chief Lawrence Paul, Assembly of Nova Scotia Mi'kmaq Chiefs co-chair.

"Today's signing is a landmark in relations between the Nova Scotia government and the Mi'kmaq and bodes well for the future," said Minister Baker. "It is significant that we have reached this point in a spirit of goodwill and co-operation. We now have an opportunity to build upon our common learning and our shared interest in building a strong Nova Scotia - culturally and economically."

The parties began the process in January, 2001, when they released a joint statement asserting their willingness to work together to resolve outstanding Aboriginal issues. In June, 2002, they signed an Umbrella Agreement which reaffirmed their commitment by agreeing to develop a Framework Agreement. The Framework Agreement sets out the process and the subjects to be discussed in full negotiations that fall broadly under the categories of land, resources and governance.

This release is available online at:

Government of Nova Scotia   
Mi'kmaq Rights Initiative 

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[Backgrounder - Made-in-Nova Scotia Process Framework Agreement](#)

[Frequently Asked Questions](#)

[Biographies](#)

[Back to News Release Index](#)

---

Revised: 2007-02-26  
Created: 2007-02-22

  
[Top of Page](#)

[Important Notices](#)



Indian and Northern  
Affairs Canada      Affaires indiennes  
et du Nord Canada

Canada

Français

Contact Us

Help

Search

Canada Site

Home

What's New

About INAC

News Room

Site Map

Regional  
Offices

Electronic  
Services

Programs &  
Services

Publications &  
Research

Art, Culture &  
History

## BACKGROUND

A - Z Index

News Releases

Indian & Inuit Art

Northern Affairs  
Program

Employment

Education

Kids' Stop

Treaties

Status - F A Q

Programs

Services

PSAB

Sustainable  
Development



### Made-in-Nova Scotia Process Framework Agreement

In 1999, the Supreme Court of Canada released the Marshall decision that recognized the Treaties of 1760-61 and confirmed the rights of the Mi'kmaq to hunt, fish and gather in order to earn a moderate livelihood. The Court repeated the need for government and First Nations to negotiate solutions to set out how these constitutional rights will be exercised. Along with these treaty rights, the Mi'kmaq maintain that they continue to hold Aboriginal rights and title throughout their traditional territory.

In Nova Scotia, the Mi'kmaq along with the provincial and federal governments have established a long-term process to negotiate the definition, recognition and implementation of Mi'kmaq rights and title. On June 7, 2002, the parties signed an Umbrella Agreement that committed the parties to enter into a process that sets out the terms for negotiations.

The Framework Agreement is intended to promote efficient, effective, orderly and timely negotiations towards a resolution of issues respecting Mi'kmaq rights and title. The negotiations will benefit all involved as it will seek to find common understandings over issues of land and resources in Nova Scotia.

Negotiations provide an opportunity to build upon our common learning and our shared interest in building a strong Nova Scotia and a strong Canada – both culturally and economically.

#### The Parties

This Framework Agreement is between the Government of Canada, the Government of Nova Scotia and the Mi'kmaq of Nova Scotia. Eleven chiefs have signed the Agreement and it is hoped that the remaining two communities will sign in the near future.

#### Objective of Negotiations

This Framework Agreement sets out what will be negotiated and how it will be done. The objective is for the three parties to work in good faith toward resolving issues of Mi'kmaq rights and title, particularly pertaining to areas of government, land and resources. The aim is also to reconcile the constitutionally protected rights and interests of the Mi'kmaq people with the rights and interests of other stakeholders in Nova Scotia.

#### What is on the Table?

The Framework Agreement sets out topics that fall broadly under the

categories of land, resources and governance.

The resolution of rights issues and self-government are considered major steps toward the goal of reducing the gap in social and economic conditions that exists between Mi'kmaq communities and the rest of Nova Scotia.

### **Stakeholder / Public Consultations**

Stakeholders will be given the opportunity to make their views known. The three parties, collectively or individually, will provide general information and updates to individual stakeholders and members of the public as well as seek their input and comments. The details of how this will happen are being worked out.

### **Next Steps**

The next step in the negotiations process is to work on an agreement-in-principle – a "Memorandum of Understanding", or MOU. The MOU is an intermediate step, preliminary to the final agreement (called an "Accord"). Once there is an Accord, there will also be an implementation agreement to translate the Accord into reality. The aim now is to have the MOU worked out in six years, and a final Accord three years after that.

## **Nova Scotia Chronology**

### **1725-1779**

Peace and Friendship treaties are signed with Mi'kmaq and Maliseet First Nations and the British Crown on the East Coast.

### **July 2, 1997**

Tripartite Forum Memorandum of Understanding is signed between the Mi'kmaq of Nova Scotia, Nova Scotia and Canada. The forum's mandate is to discuss, investigate and negotiate measures that will assist in the resolution of issues of mutual concern between the parties.

### **October 1, 1998**

A Treaty Commemorative Statement is signed acknowledging and re-affirming the longstanding treaty relationship between the Crown and the Mi'kmaq of Nova Scotia. The Statement is signed by the Grand Chief of the Mi'kmaq of Nova Scotia and the governments of Canada and Nova Scotia.

### **September 17, 1999**

The Supreme Court of Canada in the Donald Marshall case confirmed the existence of Mi'kmaq and Maliseet rights as outlined in the Treaties of 1760-1761 (the Marshall decision) and confirmed the rights of the Mi'kmaq to hunt, fish and gather in order to earn a moderate livelihood. The Supreme Court did not define how these rights were to be implemented, but instead encouraged the Parties to negotiate a resolution in a fair and equitable manner.

There are 34 Mi'kmaq and Maliseet groups in Nova Scotia, New Brunswick, Prince Edward Island and the Gaspé region of Quebec who are potentially affected by the Marshall decision.

### **November 17, 1999**

The Supreme Court of Canada issues a second Marshall ruling on a motion for rehearing.

**January 10, 2001**

The Mi'kmaq of Nova Scotia, Nova Scotia and Canada release a joint statement affirming their commitment to work together to resolve outstanding issues and begin a negotiation process to consider issues of Aboriginal and treaty rights.

**February 9, 2001**

The Federal Ministers of Indian Affairs and Northern Development and Fisheries and Oceans jointly announce the launch of Canada's long-term strategy to address the Marshall decision, including a mandate to enter into a broad tripartite negotiation process to consider issues of Aboriginal rights, title and treaty rights to land, resources and self-government.

**June 7, 2002**

The 13 Mi'kmaq Chiefs of Nova Scotia, the Province of Nova Scotia and Canada sign an Umbrella Agreement reaffirming the longstanding relationship and commitment to work together in good faith to resolve issues of mutual concern. Signing the Umbrella Agreement opens the way for parties to start discussions on a Framework Agreement.

**November 10, 2003**

Beginning of Framework Agreement discussion.

**February 2007**


Framework Agreement is signed by Mi'kmaq Chiefs of Nova Scotia, Province of Nova Scotia and the Government of Canada. Negotiations commence toward a Memorandum of Understanding.

[Back to News Release](#)

[Back to News Release Index](#)

---

Revised: 2007-02-26  
Created: 2007-02-22

  
[Top of Page](#)

[Important Notices](#)



Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

Canada

Français

Contact Us

Help

Search

Canada Site

Home

What's New

About INAC

News Room

Site Map

Regional  
Offices

Electronic  
Services

Programs &  
Services

Publications &  
Research

Art, Culture &  
History

## Frequently Asked Questions

A - Z Index

News Releases

Indian & Inuit Art

Northern Affairs  
Program

Employment

Education

Kids' Stop

Treaties

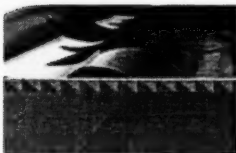
Status - F A Q

Programs

Services

PSAB

Sustainable  
Development



### Q. What is the Made-in-Nova Scotia Process?

A. The Made-in-Nova Scotia Process has been established by the Mi'kmaq of Nova Scotia, and the governments of Canada and Nova Scotia as a means to negotiate outstanding issues of Aboriginal rights, including assertions of Aboriginal title and treaty rights. The process is called "Made-in-Nova Scotia" in recognition of the unique situation of the Mi'kmaq communities and the historic treaties in the province.

### Q. What is the Framework Agreement?

A. The Framework Agreement sets out the process and topics for negotiation. It is intended to promote efficient, effective, orderly and timely negotiations towards a resolution respecting Mi'kmaq rights and title.

### Q. What is the aim of negotiations?

A. The negotiation process is aimed at reaching agreements to govern relationships among Canada, the Mi'kmaq and Nova Scotia over issues of land, resources and governance. The Parties hope to build on existing relationships to create stronger ties and benefits between communities and to provide reconciliation between the Parties. The Framework Agreement is an important step toward this goal.

### Q. Why are we negotiating now?

A. Over the past thirty years, courts in Nova Scotia and Canada have recognized the existence and validity of Aboriginal and treaty rights and have tried to clarify the nature and extent of these rights and titles. Canadian courts have consistently encouraged governments and First Nations to approach questions of Aboriginal and treaty rights through negotiations rather than litigation. Such was the case in 1999 when the Supreme Court of Canada in the Donald Marshall Jr. case confirmed the existence of Mi'kmaq rights as outlined in the Treaties of 1760-61.

The Supreme Court did not define how these rights were to be implemented, but instead encouraged the parties to negotiate a resolution in a fair and equitable manner.

### Q. Who are the parties to these negotiations?

A. These negotiations involve the Government of Canada (represented by Indian and Northern Affairs Canada), the

Government of Nova Scotia (represented by the Office of Aboriginal Affairs) and the Mi'kmaq of Nova Scotia (represented by the Assembly of Nova Scotia Mi'kmaq Chiefs).

**Q. How much will negotiations cost?**

**A.** It's too early in the process to estimate costs. We are looking for an agreement that is affordable, cost-effective and results in constructive and enduring solutions.

**Q. How long will the negotiations take?**

**A.** The Framework Agreement includes a target of six years to conclude a Memorandum of Understanding that sets out general agreement on the issues. The parties intend to develop a final Accord in the three years after that. The Framework Agreement also provides for a progress review after four years at which time the parties will consider whether any adjustments to the process are needed. All parties want to see tangible results early in the process.

**Q. Will Nova Scotians be consulted on what is being discussed and what kind of say will they have?**

**A.** Stakeholders and members of the general public will have opportunities to become informed and involved throughout the negotiation process. The views and interests of the public, stakeholder groups and organizations will help ensure that the broader public interest is understood and considered in resolving issues under negotiation. All parties recognize that public involvement is an important part of the process and will be talking to interested people and organizations, both Mi'kmaq and non-Aboriginal.

[Back to News Release](#)

[Back to News Release Index](#)

Revised: 2007-02-26  
Created: 2007-02-22



[Top of Page](#)

[Important Notices](#)





Indian and Northern  
Affairs Canada

Affaires indiennes  
et du Nord Canada

Canada

Français

Contact Us

Help

Search

Canada Site

Home

What's New

About INAC

News Room

Site Map

Regional  
Offices

Electronic  
Services

Programs &  
Services

Publications &  
Research

Art, Culture &  
History

## Biographies

**Danny Graham | Tom Molloy | Bruce H. Wildsmith | Eric Zscheile**

[A - Z Index](#)

[News Releases](#)

[Indian & Inuit Art](#)

[Northern Affairs  
Program](#)

[Employment](#)

[Education](#)

[Kids' Stop](#)

[Treaties](#)

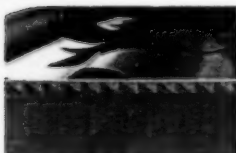
[Status - F A Q](#)

[Programs](#)

[Services](#)

[PSAB](#)

[Sustainable  
Development](#)



### **Danny Graham** **Lead Negotiator**

Danny Graham has had a wide range of experience in business, law, public policy and politics over a twenty year period.

Through the 1980s he worked and practised law in the area of commercial real estate. In the 1990s he was a criminal defence lawyer with Nova Scotia Legal Aid and Pink Murray Graham in Halifax. In 1999, he was seconded to Justice Canada in Ottawa as a Special Policy Advisor on prominent legislative and programmatic initiatives.

He returned to Nova Scotia in 2002 to become the leader of the Nova Scotia Liberal Party. He resigned his seat in the Nova Scotia Legislature in 2005 and is presently a consultant to governments and businesses on matters of public policy - most notably as the Chief Negotiator for the Province of Nova Scotia in the Made-in-Nova Scotia negotiations involving the Federal government and the Mi'kmaq of Nova Scotia.

Mr. Graham has travelled throughout Canada, on-reserve and off-reserve, providing advice on matters of community justice and youth justice. He has also worked with the United Nations as an expert in the area of restorative justice.

He has been regularly sought as a speaker throughout Canada on issues of justice reform, democratic renewal and citizen engagement.

He is currently the Chair of Envision Halifax, a volunteer citizen's coalition seeking to enhance community leadership and civic engagement in Nova Scotia.

[Top of Page](#)

### **Tom Molloy** **Chief Federal Negotiator**



Tom Molloy O.C. has been appointed to represent Canada in negotiations in Nova Scotia. A lawyer from Saskatchewan with the firm of MacPherson Leslie & Tyerman, Tom has played a leading role in many landmark Aboriginal claims settlements in Canada, including the lengthy negotiations leading to the creation of the Territory of Nunavut in 1999. He also negotiated the Nisga'a Final Agreement in British Columbia, which was the subject of his book, "The World is Our Witness: The Historic Journey of the Nisga'a into Canada."

Top of Page

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### ***Bruce H. Wildsmith, Q.C.*** ***Lead Negotiator***

Bruce H. Wildsmith, Q.C., was appointed Lead Negotiator for the Kwi'mu'kw Maw-klusuaqn Negotiation Office by the Assembly of Nova Scotia Mi'kmaq Chiefs in 2003. Bruce was born in Halifax, Nova Scotia in 1948. Mr. Wildsmith is a lawyer and a retired Professor of Law from Dalhousie University.

Bruce was previous legal counsel for the Union of Nova Scotia Indians and his first involvement in representing the Mi'kmaq was in 1974 in the *R. vs. Isaac* case in the Nova Scotia Appeal Court. This case established the right of the Mi'kmaq to hunt on reserve land outside of the provincial hunting season and free of provincial hunting regulations.

In the 1985 decision, *R. vs. Simon*, Bruce successfully argued that the Treaty of 1752 was an existing treaty and it was upheld by the Supreme Court of Canada. He was lead counsel in *R. vs. Marshall*, in which the Supreme Court of Canada recognized the Treaties of 1760-61 and the right to hunt, fish and gather for a moderate livelihood under those treaties.

Bruce also argued the New Brunswick case *R. vs. Bernard* and, along with Eric Zscheile, the Nova Scotia Stephen Marshall et al. logging case, from trial through the Supreme Court of Canada.

While at Dalhousie Law School, he taught Aboriginal Law and Constitutional Law, amongst other law courses. Bruce and his wife Ardythe have two boys, 29 year-old B.W. and 27 year-old James.

Top of Page

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### ***Eric Zscheile Q.C.*** ***Associate Negotiator***

Eric Zscheile was appointed Associate Negotiator for the Kwi'mu'kw Maw-klusuaqn Negotiation Office by the Assembly of Nova Scotia Mi'kmaq Chiefs in 2003. He was legal counsel for the Confederacy of Mainland

Mi'kmaq for twelve years until he left in April 2005 to devote his energies full-time to the Mi'kmaq Rights Initiative. He is well known in the Mi'kmaq communities.

On behalf of the Assembly of Nova Scotia Mi'kmaq Chiefs, he has negotiated numerous agreements with Canada, Nova Scotia, or private companies, including an agreement with Maritimes and Northeast Pipeline and the Fuel Tax Rebate Agreement with the province of Nova Scotia. Eric was co-counsel on the Supreme Court of Canada in the Donald Marshall case and the Steven Marshall (logging) case. He also represented the Assembly before the National Energy Board on various occasions.

Eric attended Dalhousie University where he received a BA (1985) and his BEd (1986). He went on to obtain his LL.B. at Queen's University in Kingston, Ontario in 1991.

Eric lives in Belmont, Nova Scotia with his wife Karen and children Alexander, Regan, and Nicklaus.

[Back to News Release](#)

[Back to News Release Index](#)

Revised: 2007-02-26  
Created: 2007-02-22

  
[Top of Page](#)

[Important Notices](#)